

## REMARKS

Claim 1 stands rejected under § 102(b) on the basis of Chen et al., and dependent claims 2-6 stand rejected under § 103 on the basis of Chen et al., as well. Applicants traverse these rejections because Chen et al. do not disclose or suggest the feature now included in claim 1, that the sensing current is injected into the MR structure primarily through the top surface of the MR structure.

It seems the examiner is considering the feature of Fig. 9 of Chen et al. that the small tip end parts of the Ta layer 165 and the Au layer 150 extend over the spin valve structure (see Fig. 9, for example) for a very limited distance, and argues, based on the foregoing feature, that the magnetic sensor of the reference is an overlaid-type R sensor. Applicants disagree.

In the overlaid-type MR sensor of the present invention, the sensing current is injected into the magneto-resistive structure such as a spin-valve structure, primarily via the top surface of the magneto-resistive structure. In the case of the device of Chen et al., on the other hand, the sensing current is primarily injected into the magneto-resistive structure via the lateral surface thereof. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

For the foregoing reasons, applicants believe that this case is in condition for allowance, which is respectfully requested. The examiner should call applicants' attorney if an interview would expedite prosecution.

Respectfully submitted,

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